

FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NC

2008 JUL 10 P 29

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. SF

IN RE EVAN V. CLEVELAND.
(PETITIONER)

VS.

BEN CURRY. (WARDEN) ET AL.
(DEFENDANTS)

CASE NO. C 07-2809 SF (PR)
MOTION For FINANCIAL Relief
AGAINST CRAWFORD Head Librarian
AND Sather Chief Dental Officer.
Due TO RETALIATION, LEGAL WORK
WAS DESTROYED, PERSONAL PROPERTY
WAS DESTROYED, FAMILY PHOTOS
ALSO DESTROYED BY CORRECTIONAL
OFFICER UNDER THE KNOWLEDGE OF
"BEN CURRY" WARDEN.
Defendant % Abainco, + Warden Ben
CURRY IS BEING HANDLE BY ATTORNEY.

ON JUNE 24, 2008, There WAS A Cell SEARCH IN F-WING.
Cell Searches ARE TO BE CONDUCTED IN A PROFESSIONAL MANIVER.
THIS OFFICER WAS SENT TO PETITIONERS CELL FOR RETALIATION—
REASONS DUE TO 1983 LAW-SUIT THAT WAS FILED. PETITIONER
WAS ASK TO leave his Cell. AFTER FOUR hours PETITIONER WAS
ALLOWED TO RETURN TO his Cell. PETITIONERS PROPERTY INCLUDING
LEGAL documents TO The CASE Pending "Cleveland VS. BEN—
CURRY (WARDEN) ET AL. CASE NO. C 07-2809 SF (PR) WAS DESTROYED,
OR TAKEN BY SEARCHING OFFICER. ALSO PETITIONER WAS denied
WRIT OF habeas IN The CALIFORNIA Supreme COURT, IN The CASE
OF Cleveland VS. Ben CURRY (warden) CONCERNING % ABAINCO....
CASE NO. HC 5655 (CASE NO. S158016). PETITIONER ASK The
COURT OF The NORTHERN DISTRICT WHICH IS The NEXT level For
The WRIT For A TWENTY-day EXTENSION, LEGAL documents TO
THIS WERE ALSO DESTROYED. "PETITIONERS Radio WAS broken".
PICTURES OF PETITIONERS WIFE WERE THROWN AND SCATTERED
ON The FLOOR.

SOME OF PETITIONERS PICTURES OF HIS WIFE AND FAMILY ARE MISSING. LETTERS WERE DESTROYED AND ARE MISSING. TOOTH POWDER WAS SCATTERED OVER PETITIONERS BED AND LOCKER. SHEETS WERE TAKING OFF OF HIS BED AND THROWN TO THE FLOOR. SEARCHING¹⁰ REMOVED THREE WINDOWS FROM FRAME. PETITIONER IS BEING FORCED TO SLEEP IN COLD WEATHER CONDITIONS EVERYNIGHT.

PETITIONER BOOKS WERE TORN AND RIPPED IN-HALF. PETITIONER HAS BEEN INCARCERATED FOR MORE THEN NINE YEARS AND IN THIS TIME HAS WRITTEN FIVE BOOKS, PAGES FROM HIS BOOKS WERE DESTROYED, AND THROWN TO THE FLOOR. THE CELL WAS DESTROYED SO BADLEY THAT OFFICER ON THE FOLLOWING WATCH BY NAME OF PEREZ FELT SORRY FOR THE WAY THAT PETITIONER WAS TREATED AND GAVE PETITIONER SOMETHING TO BLOCK OUT THE COLD WEATHER IN THE WINDOWS. THE NEXT NIGHT A SGT. MERENO FORCED PETITIONER TO TAKE IT DOWN. EVEN THOUGH MR. CRAWFORD, THE HEAD LIBRARIAN HAS KNOWLEDGE OF PETITIONERS PENDING CASES HE IS AGAIN REFUSING TO LET PETITIONERS HAVE ACCESS TO THE COURTS DUE TO PETITIONERS DOCUMENTS BEING DESTROYED WHICH AGAIN MAY RESULT IN HIS MISSING OF YET ANOTHER DEADLINE. ON JUNE. 24, 2008." NOT ONLY DID THIS INSTITUTION VIOLATED THE PETITIONERS RIGHTS ONCE AGAIN. BUT IN DOING SO HAS BLATANTLY DISRESPECTED THE COURT AS WELL. PETITIONER HOPES THAT THIS WILL PROVE AND SHOW DEFENDANTS ACTIONS ARE AND WERE MOTIVATED BY EVIL MOTIVE AND INTENT THAT INVOLVED RECKLESS AND CALLOUS INDIFFERENCE TO HIS RIGHTS.

[Smith v. Wade], 461 U.S. 30 (1983)

[Coleman v. Rahija], 114 F. 3d 778 (8th Cir 1997).

PETITIONER has been RETAINED AGAINST ONCE MORE by This institution UNDER The CARE OF "Ben CURRY" (warden). Also UNDER his knowledge.

The warden is ALLOWING PETITIONERS RIGHTS TO be VIOLATED. The "Due Process" CLAUSE INCORPORATES PETITIONERS RIGHT UNDER The FOURTH AMENDMENT TO be FREE FROM UNREASONABLE SEARCHES OR SEIZURE OF his PROPERTY, AND it includes The PROTECTION OF The "EIGHTH AMENDMENT" AGAINST CRUEL AND UNUSUAL PUNISHMENT. PETITIONER has NO WAY OF defending his legal BATTLE AGAINST "SATHER" Chief DENTAL OFFICER AND MR. "CRAWFORD" Head LIBRARIAN. "REASON" NOTES, CASES AND legal WORK have been DESTROYED, OR DAMAGED. The PRISON OFFICIALS ARE NOT SUPPOSE TO RESTRICT ONES ACCESS TO COURTS OR LAWYERS OR PUNISH OR TAKE AWAY PROPERTY OR LIBERTY EVER WITHIN PRISON WITHOUT FAIR PROCEDURES. This WAS CLEARLY A VIOLATION OF PETITIONERS "Due Process". A PRISON "CANNOT" PUNISH PETITIONER FOR COMPLAINING OR TO KEEP him FROM Filing A LAWSUITE.

ALIAH v. Seiverling. 229 F. 3d 220 (3d Cir 2000).

PETITIONER ASK FOR The Hon. Judge, TO GRANT This MOTION SO THAT This kind OF DISRESPECT FOR ONES RIGHTS AND DISRESPECT FOR The Rules, AND law, AND FOR The COURT, "will in NO WAY be "TOLERATED."

DATE. JULY 6. 2008

Submitted BY
Ma Ivan Cleveland

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(C.C.P. §§ 1013(A), 2015,5)

I, IVAN VERNORD CLEVELAND, declare:

I am over 18 years of age and I am party to this action. I am a resident of CORRECTIONAL TRAINING FACILITY prison, in the County of Monterrey, State of California. My prison address is:

IVAN V. Cleveland, CDCR #: H-60545
CORRECTIONAL TRAINING FACILITY
P.O. BOX 689, CELL #: F-WING-256-1
SOLEDAD, CA 93960-0689.

On JULY 7-2008, I served the attached:

A MOTION FOR RELIEF DUE TO RE-
TALIATION METHODS. IN THE CASE OF CLEVELAND VS.
BEN CURRY (WARDEN, ET AL., CASE NO. C07-2809 JF (PR).

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope (verified by prison staff), with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named institution in which I am presently confined. The envelope was addressed as follows:

OFFICE OF THE CLERK, U.S.
DISTRICT COURT.
NORTHERN DISTRICT OF CALIFORNIA.
280 SOUTH FIRST ST. RM #2112
SAN JOSE, CA-95113-3095

DEPUTY ATTORNEY-GENERAL.
455 GOLDEN GATE AVE.
SUITE #11000.
SAN FRANCISCO, CA 94102-7004.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on JULY 7-2008.

IVAN V. CLEVELAND
MR. IVAN CLEVELAND
Declarant

Ivan V. Cleveland - 14-60545
F-Wing - 256-L
P.O. Box 689
Solaced, CA 93960-0689

Legal-1009

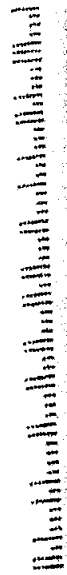


02 1M 14%
0004253192 JUL09922088
MAILED 11RGAZHRZOCES99960
\$\$\$0004220

07/10/2008 Page 6 of 6

To: Office of the Clerk, U.S. District
Court, Northern District of California
290 South First Street, Room 2112
San Jose, CA 95113-3095

333 012414



5/8/08

4/4/08

STATE PRISON
CORRECTIONAL
TRAINING FACILITY
SOLEDAD CA 93960



UNITED STATES POSTAGE
02 1M
0004230086
\$ 00.00⁰
MAILED FROM ZIP CODE 93960